## UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS CORPUS CHRISTI DIVISION

FREDDY G. GONZALEZ,	§	
	§	
Plaintiff,	§	
	§	
<b>v.</b>	§	CIVIL ACTION NO. 2:19-cv-00021
	§	
WILMINGTON SAVINGS FUND	§	
SOCIETY, FSB d/b/a CHRISTIANA	§	
TRUST, not individually but as trustee	§	
for Pretium Mortgage Acquisition Trust;	§	
RUSHMORE LOAN MANAGEMENT	§	
SERVICES, LLC as an Agent, Servant,	§	
Representative of Wilmington Savings	§	
Fund Society, FSB d/b/a Christiana	§	
Trust, not individually but as trustee for	§	
<b>Pretium Mortgage Acquisition Trust, and</b>	§	
<b>DEANNA SEGOVIA, Substitute Trustee</b>	§	
	§	
Defendants.	§	

# AGREED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S AMENDED PETITION

Defendants Wilmington Savings Fund Society, FSB d/b/a Christiana Trust, not individually but as Trustee for Pretium Mortgage Acquisition Trust and Rushmore Loan Management Services, LLC (collectively "Defendants") file this Motion for Extension of Time to Respond to Plaintiff's Amended Petition. Defendants respectfully show the following:

- 1. Defendants filed a Notice of Removal (Docket No. 1) on January 17, 2019.
- 2. Defendants' deadline to respond to Plaintiff's Amended Petition is January 31, 2019. *See* Fed. R. Civ. P. 81(c)(B).
- 3. Defendants seek an extension of their deadline to respond to Plaintiff's Amended Petition until March 18, 2019, to which Plaintiff has agreed.

- 4. Plaintiff's agreement to this motion does not constitute waiver of any arguments they may have related to contesting jurisdiction.
- 5. Defendants do not seek this extension of time to create delay. The parties are engaged in discussions to resolve the underlying dispute that resulted in this litigation, and Defendants believe this extension will allow the parties to better focus on achieving a resolution.
- 6. Based on the foregoing, Defendants respectfully request the Court grant Defendants an extension of time until March 18, 2019, to respond to Plaintiff's Amended Petition

Respectfully submitted, McCarthy Holthus, LLP

/s/ Brandon Hakari\_

Thuy Frazier / TBN: 24088129 Yoshie Valadez / TBN: 24091142

Carlos Hernandez-Vivoni / TBN: 24096186

Brandon Hakari / TBN: 24107552 1255 West 15th Street, Suite 1060

Plano, TX 75075 214-291-3800 Fax: 214-291-3801

bhakari@McCarthyHolthus.com

ATTORNEYS FOR DEFENDANTS WILMINGTON AND RUSHMORE

Agreed:

/s/ William Tinning
William Tinning
720 W. Broadway Ave.
Portland, Texas 78374
Phone: 361 643-9200

Fax: 361 643-9600

ATTORNEY FOR PLAINTIFF FREDDY G GONZALEZ

#### **CERTIFICATE OF SERVICE**

I hereby certify that I submitted the foregoing to the clerk of the United States District Court, Southern District of Texas using the electronic case filing system of the Court, and that I served all counsel of record listed below in accordance with Federal Rule of Civil Procedure 5(b)(2) on January 29 2019.

#### via CM/ECF File

LAW OFFICE OF WILLIAM J. TINNING, P.C. William Tinning 720 W. Broadway Ave. Portland, Texas 78374 Phone: 361 643-9200

Fax: 361 643-9600

ATTORNEY FOR PLAINTIFF FREDDY G GONZALEZ

> /s/ Brandon Hakari Brandon Hakari

### **CERTIFICATE OF CONFERRAL**

I hereby certify that on January 29th 2019, I conferred with Plaintiff's counsel regarding this Motion, and he agreed to the Motion as indicated by his signature.

/s/ Brandon Hakari Brandon Hakari